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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,062	05/14/2001	Michael A. Bass	32759US1	8583

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PEARNE & GORDON LLP
526 SUPERIOR AVENUE EAST
SUITE 1200
CLEVELAND, OH 44114-1484

EXAMINER
KERR, DEBRA E

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 09/855,062	Applicant(s) BASS, MICHAEL A.	
	Examiner Debra E Kerr	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *16-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, drawn to a method for marketing a good, classified in class 705, subclass unknown.

II. Claims 16-21, drawn to a sign, classified in class 40, subclass 584.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.05(h)). In the instant case, the product as claimed can be used in a materially different process such as the sign being used to provide a website address related to non-commercial information.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Steven Solomon on 08-14-01 a provisional election was made **without** traverse to prosecute Invention I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Response to Amendment

A First Action on the Merits rejected claims 1-15. Applicant amended claim 1. Claims 1-15 are pending and will be examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 3, 6, 9 –12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (US. 5,799,285) in view of Signs of the Times, 'An Outdoor Web World', 08/1997, p. 36, and further in view of Shane (US 5,793,972).

Klingman discloses a method for marketing a good comprising:

- Providing a website at a website address which permits a seller to post information about a good for sale (col. 5, line 48 – col. 6 line 4)

- Posting the information about a good for sale under a unique identifier (col. 8, lines 21-28)
- Enabling a prospective purchaser to view the information on the website (col. 8, lines 11-13)
- Providing the unique identifier to the seller in connection with the seller posting the information on the website (col. 8, lines 25-29)
- Permitting a prospective purchaser to view the information posted on the website by reference to a unique identifier (col. 11 lines 15-18)
- Permitting a purchaser of a good for sale to pay the seller or seller's agent directly (col. 4, lines 46-48 and col. 13, lines 31-33)
- Permitting a purchaser of a good for sale to pay the website provider, after which the provider will forward the payment to the seller (col. 16, lines 2-16)
- Preprinted instructions to a seller for how to post information about a good on a website under a unique identifier (col. 5, lines 58-62)
- Charging a fee to the seller by the website provider in connection with a buyer making a payment (col. 9, lines 48-54)
- Charging a fee to the seller by the website provider in connection with posting the information on the website (col. 4, lines 43-46 and col. 8, lines 6-8)

Klingman fails to disclose providing a sign having a preprinted website address with space for a unique identifier and an indication that a good is for sale. Signs

of the Times teaches that advertisers frequently feature their Internet addresses on billboard or other signs along with the goods being advertised as a means to direct potential customers to a website for further information or possibly to make a sale. It would have been obvious to one having ordinary skill in the art to combine Klingman's secure system for electronic selling with the billboard method disclosed in Signs of the Times in order to reach a larger number of consumers with Klingman's website address and thus increase sales.

Klingman and Signs of the Times fail to teach a sign preprinted with a unique identifier, or promoting the website to the general consuming public. Shane discloses providing a printed notice for direct mail advertising to a large group of recipients having a preprinted website address and space for a unique identifier which gives a potential purchaser access to a web page (col. 4, lines 9-13). It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman and Signs of the Times with Shane's method for providing a web address and unique identifier on a mailing in order to reach a large number of potential customers with a unique key for accessing a specific web page on a web site.

Claims 4, 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, Shane and Signs of the Times in view of Mahoney et al. (US 6,003,255).

Klingman, Shane and Signs of the Times substantially disclose the invention but fail to disclose a sign which is preprinted with a description of a good for sale, is provided with a space to indicate a seller's personal contact information, or is provided

with a container into which a seller can deposit a sheet of paper containing information about the good for sale. Mahoney teaches a combined advertising display sign with replaceable panels for displaying any type of indicia desired by the seller and a brochure dispensing container which holds brochures or cards for removal by prospective customers (col.6, lines 1-13). It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman, Shane and Signs of the Times with Mahoney's method for providing an advertising sign. Doing so would allow a seller to attract potential customers with a pre-printed advertising sign which can provide interested parties with additional information on the good for sale, the seller's contact information, or any other useful information the seller wishes to provide.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, Shane and Signs of the Times in view of Green et al. (US 6,041,310).

Klingman, Shane and Signs of the Times substantially disclose the invention but fail to disclose a website adapted to permit a prospective purchaser to browse a plurality of goods by category or location and view posted information without using a unique identifier. Green discloses a system for facilitating automobile purchase and lease which allows a customer to browse a dealer's inventory by multiple categories (col. 8, lines 27-32), including location (col. 5, line 46 and col. 15 line 66 – col. 16 line 3). It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman, Shane and Signs of the Times with Green method for providing an advertising sign. Doing so would allow potential customers to more quickly locate goods

for sale that they are interested in buying at a website by going directly to a desirable category of

Response to Arguments

Applicant's arguments filed May 2, 2002 have been fully considered but they are not persuasive.

Applicant argues that Klingman fails to teach a method of marketing a good or service, that Klingman fails to teach posting information about a good or service on a website under a unique identifier, and that Klingman's invention consists essentially of a method of certifying a seller as legitimate via a 900 number registration process.

In response to applicant's argument, Klingman discloses a classified advertising and product cataloguing system with added features, only one of which is the seller verification process discussed by applicant (see col. 9 line 64 – col. 10 line 5). The 900 BUY number in Klingman's method acts as one of several unique identifiers of the seller's good on a web page provided for the specific good on the distributor's classified advertising website, and is a completely separate number and process from the 900 number used by the seller to call the distributor's system and upload the seller registration data (see col. 8, lines 9-39 and col. 20, lines 34-35 and lines 56-59). Regardless of how the 900 BUY number is subsequently used by the potential buyer, it constitutes a unique identifier of the seller's product on the web site, just as any ID number or serial number would do in any print or Internet catalogue where a product ID is linked to a specific product to enable purchasing that product. Clearly, each product registered on Klingman's website is provided with several different unique identifiers in

addition to the 900 number, such as the seller and product name combined. The product information is formatted on a seller-specific web page, which must also constitute a unique identifier for the product, since web pages always have unique addresses pointing to a specific web address consisting of a URL combined with the page address. Therefore, applicant's arguments are rejected.

Applicant also argues that Shane is not a method for marketing a good for sale at all, and that Shane does not teach assigning unique identifiers to goods for sale, but rather to consumers on a mailing list.

While Shane does teach assigning unique identifiers to mailing list consumers, the purpose of Shane's method is ultimately to increase sales of advertised goods by marketing the goods to consumers who have been pre-selected as having an interest in the good or service advertised on the coupon containing the URL and unique identifier. The personalized web page accessed by entering the URL and unique address supplied on the coupon lists goods and services of interest to the comsumer. Therefore, Shane does teach a marketing and selling method. In addition, the act of supplying a specific web page to a consumer, as opposed to a web site, clearly indicates goods for sale that are accessed upon inputting the combined URL and unique identifier into a web browser in order to access a web site. The fact that the unique identifier is also linked to a specific coupon recipient does not alter the essential process as viewed by the consumer, which is that of inputting a unique web address consisting of a URL and an identifier in order to view specific goods for sale that are of interest to the consumer, and which goods the consumer became aware of via a printed sign containing the URL

and unique identifier (in this case, a coupon received through the mail). Therefore, applicant's arguments are rejected.

Applicant also argues that Klingman fails to teach providing a sign with a preprinted website address and a space for a unique identifier.

In response to applicant's argument, Examiner recognizes that Klingman does not specifically disclose such a sign. However, Klingman provides the teaching, suggestion and motivation, using knowledge that was available at the time of the invention,. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Klingman regarding a classified ad website including unique identifiers for multiple products and sellers with Shane's coupon containing a preprinted website address and a unique identifier as a marketing means for advertising the existence of a good on a classified ad website to the public. Doing so would advertise an item to a potential buyer and enable the buyer to directly access the specific web page listing the item without having to navigate through a web site searching for the page of interest. Therefore, Klingman provides the teaching, suggestion and motivation, using knowledge that was available at the time of the invention, to include Shane's sign to perform the functions disclosed.

Final Action

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached on 7 a.m. to 4:30 p.m. Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 305-1440.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)308-1113**.

Any response to this action should be mailed to:

Commission r of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703)305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

LYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Debra E. Kerr

DEK

July 15, 2002